

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	
Norishige NANAI, et al.	:	Customer No. 53080
	:	
Application No.: 10/564,755	:	Confirmation No.: 2140
	:	
Filed: January 8, 2007	:	Group Art Unit: 2811
	:	Examiner: CUONG QUANG NGUYEN
	:	
For: FIELD EFFECT TRANSISTOR AND METHOD OF FABRICATING THE SAME	:	

**ELECTION UNDER 35 U.S.C. § 121**

Mail Stop Amendment  
Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed December 14, 2009, having a shortened statutory period for response set to expire January 14, 2010, wherein the Examiner required restriction between the following distinct Species:

- Species I: Embodiment 1 described in Figure 1 to Figure 3;
- Species II: Embodiment 2 described in Figure 4 to Figure 5;
- Species III: Embodiment 3 described in Figure 6 to Figure 7B;
- Species IV: Embodiment 4 described in Figure 8 to Figure 9;
- Species V: Embodiment 5 described in Figure 10 to Figure 11;
- Species VI: Embodiment 6 described in Figure 12 to Figure 13.

Applicants elect Species IV, with claims 27-34, 36, 37 and 46-52 readable thereon, for initial prosecution on the merits. Applicants also reserve the right to file a Divisional Application for the non-elected claims which the Examiner has indicated are patentably distinct.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time.


The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: 1/14/10

By:

  
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